

APPENDIX F.

CHAPTER X OF ASSISTANT COLLECTORS' MANUAL, PART II.

The appointment, punishment and dismissal of Village Officers.

Village officers are either stipendiary or hereditary. In the Deccan and Southern Maratha Country, most of the Patels and Kulkarnis are hereditary, but a certain number, mostly in cases where the watan has lapsed, are stipendiary.

In the Konkan and Gujarat most of the Patels are hereditary, while the village accountants (Talatis) are stipendiary. In some parts of Gujarat however (e.g. Surat), most of the Patels are stipendiary.

I. Stipendiary village officers are appointed under section 16, L.P. Land Revenue Code, and are therefore Revenue Officers. The Assistant Collector is responsible for their appointment and punishment. Section 3 (1).

They can be fined, reduced, suspended or dismissed in accordance with the provisions of sections 32-36, Land Revenue Code.

The maximum fine permitted is two months' pay. The maximum period for which a village officer may be suspended as a punishment is six months. L. R. Code, Section 34.

This rule does not apply to the case of suspension pending enquiry; but such enquiry should ordinarily be completed within six months from the date of suspension. G. R. No. 9981 of 19th December 1884.

Mamlatdars may be empowered by the Collector to fine village officers, subject to a right of revision and to any limitation imposed by the Collector. Fining a lowly-paid officer is, however, a most unsatisfactory form of punishment, and should, as far as possible, be avoided. Warning, followed by reduction for a second offence, is the best procedure. G. Rs. Nos. 2116 of 13th March 1883, 4100 of 30th May 1883, and 5595 of 5th June 1908.

II. *Hereditary village officers outside Gujarat.*—The position of this class of village officers is fixed by the provisions of the Watan Act (Bombay Act III of 1874).

APPOINTMENT.

1. The representative watandar whose turn of service has arrived (*vide* watan register) is called upon to make an appointment in the presence of the Assistant Collector.

Watan Act, Section 42. 2. The representative watandar shall serve in person, or may be permitted to appoint a deputy.

3. In the following cases the representative watandar loses his right to appoint, and the appointment has to be made by the Assistant Collector on behalf of Government :—

Watan Act, Section 44. (a) When the representative watandar fails to appoint any person within two months of receiving notice to appoint.

Watan Act, Section 46. (b) When the representative watandar is a lunatic.

Watan Act, Section 50. (c) When the representative watandar has been rejected as a general bad character or has previously been dismissed from service for grave misconduct.

Watan Act, Section 54. 4. Appointments made by the Assistant Collector on behalf of Government should be made for a period of 5 years.

5. The following persons should not be accepted as officiators :—

Watan Act, Section 45. (a) Persons enumerated in section 45.

G.L., J.D., No. 692 of 24th February 1860. (b) The near relative of a village officer who has been dismissed after being convicted of a crime in the conduct of his duties.

Watan Act, Section 53. 6. When the representative watandar or the Assistant Collector on behalf of Government appoints a deputy, the members of the takshim whose turn it is to serve have a first claim on the appointment if fit and willing to serve.

G.R., No. 7590 of 17th October 1893, and G.R., No. 802 of 31st January 1895. 7. The members of the other takshims have no such claim as against complete outsiders.

N.B.—In section 53, Watan Act, the word “family” = takshim = branch of the family admitted to separate right of registration, and is used in a different sense from that borne by it in other parts of the Act, where it is used as defined in section 4, Watan Act.

8. Probationary appointments should not be made.

G.R.,
No. 4433
of 3rd
June 1885.

9. When a representative watandar is dismissed while serving his turn ends at once, and the turn of the next takshim begins.

G.R.,
No. 1692
of 23rd
March
1881.

10. Deputies may be removed for good reasons by the Assistant Collector at the request of the representative watandar.

Watan Act,
Section 46.

11. Sections 47 and 54 are worth noting. They allow a representative watandar Patel who comes of age, or a representative watandar Kulkarni who passes his examination, to serve in supersession of any deputy previously appointed on his behalf.

Watan Act,
Sections 47
and 54.

PUNISHMENT.

1. The Assistant Collector can exercise the powers conferred by section 57.

2. Mamlatdars and Mahalkaris may be authorised to fine hereditary village officers up to Rs. 2.

Watan Act,
Section 84.

3. The sanction of Government is required for the dismissal of a watandar village officer.

Watan Act,
Section 58.

4. The sanction of the Commissioner is required for the prosecution of a watandar Patel or Kulkarni for an offence committed in his capacity of Patel or Kulkarni.

When the Assistant Collector has to submit a report to the Collector recommending the dismissal or prosecution of a watandar village officer, he should note the following points :—

(i) The inquiry should be made either by the Assistant Collector himself or by the Mamlatdar in person.

(ii) A clear statement of the incriminating evidence, verbal and documentary, should be given.

(iii) The delinquent village officer should be given a full opportunity to explain matters.

(iv) The opinion of the officer who held the inquiry should be clearly expressed.

(v) It should be stated what share (if any) of the watan the delinquent holds.

Matadars' Act, Sections 1, 3 and 4. **III. Hereditary Village Officers in Gujarat.**—Parts II, VII, VIII and IX of the Watan Act have been largely superseded by the Matadars' Act (Bom. VI of 1887), so far as Ahmedabad, Kaira, Broach, Surat, and certain villages (only) of the Panch Mahals are concerned.

Matadars' Act, Section 5. In these districts the appointments to patelships are made in accordance with the mata registers, which give all the necessary particulars as to the custom of the matas, the number of recognised matadari families, the number entitled to officiate, and so on.

The chief rules as to appointments in matadari villages are :—

Matadars' Act, Sections 14 and 17. **I.** In villages where the right to serve has been decided to belong to certain only of the matadari families, the representative matadar serves.

Matadars' Act, Section 17. **II.** In other villages, the right vests in each of the matadari families in rotation, but the actual officiator is elected by vote from the family, whose turn it is to serve, by the representatives of all the matadar families. If they fail to elect, or if their nominee is disqualified for office, the right to serve then vests in the representative matadar of the said family.

Matadars' Act, Sections 2, 19 and 20. **III.** The Collector may allow a representative matadar to appoint a deputy; but if a sole representative matadar declines to serve when called upon to do so, or fails to appoint a deputy when given permission to do so, then the Collector himself may appoint a deputy.

Matadars' Act, Section 22.

Matadars' Act, Sections 21, 22. Deputies shall ordinarily be members of matadari families of the village.

Matadars' Act, Section 19. If a representative matadar, in whom the right vests in consequence of the failure of an election, is required to serve in person and fails to do so, or fails to appoint a deputy when given permission, then the right to serve passes to the matadari family next in the settled order of relation.

IV. In cases not met by the above rules, the Collector can Matadars' make a temporary appointment and in such case may appoint any Act, fit person. In practice, even in the case of such stop-gap appoint- Section ment, it is advisable to appoint a matadar ; as members of mata- 22. dari families have very strong feelings as to their rights in the matter.

V. Deputies must be appointed within 20 (or in special cases 30) Matadars' days of receipt of a written notice. Act, Section 21.

VI. Sole representative matadars serve for life.

Elected officiators serve for five years or such longer period as Matadars' the majority may at the time of election approve. Act, Section 24.

When an election fails, the term is to be 5, 7 or 10 years accord- Matadars' ing as the number of representative matadars exceeds 9, exceeds Act, 4 or does not exceed 4. Section 25.

Deputies serve for the full term of their principals and, if a Matadars' deputy dies or resigns, a new deputy may be appointed. A deputy Act, may be removed, if the representative matadar wishes to or Section becomes qualified to serve in person, but no new appointment what- 26. soever is to be made on behalf of the officiating family in the last Matadars' year of its term. The result of such a vacancy is that the turn Act, passes. Section 27.

VII. The final removal of an officiator (other than a deputy) Matadars' requires the sanction of Government. Government may at the Act, same time— Sections 30 and 31.

(1) deprive him for the rest of his life of his right to vote or to appoint a deputy ;

(2) direct the forfeiture of his life-interest in the mata.